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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.742 OF 2023

Amitabh Gunjan … Applicant
V/s.
The State of Maharashtra … Respondent

Mr. Aditya Mokashi i/by Mr. Sneha Dhananjay, for the Applicant.

Mr. P. H. Gaikwad, APP for the State-Respondent.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 18, 2023

P.C.:

1. Apprehending arrest in connection with C.R.No.06 of 2023 registered with Alibag police station, for offences punishable under Sections 420 and 409 r/w 34 of the Indian Penal Code, 1860 (for short 'IPC'), the applicant is seeking relief of pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.').

2. According to the prosecution, the applicant was the Manager of the State Bank of India, Branch-Chendhare, Alibag during the period from 2 July 2018 to 24 May 2021. During that period, Dhaneshwari Ashok D applied for educational loan of Rs.2,85,000/- which was processed by co-accused Amitabh Gunjan. However, instead of transferring the loan amount to the concerned education society, the said amount was transferred in her HDFC Bank account on 20 February 2021. Thereafter, on 21 February 2021 Dhaneshwari Ashok D transferred the entire amount in the account of Pranit Patil who was working in the State Bank of India, Branch-Chendhare, Alibag as peon and in turn he transferred amount of Rs.40,000/- in the account of the applicant and remaining amount in the account of co-accused Amitabh Gunjan. Thus, the applicant and co-accused misappropriated the amount and cheated the bank. This fact was revealed during the bank audit. Therefore, the complaint was registered with the concern police station.

3. On perusal of the report, documents on record and the case papers, prima faice, it appears that Rs.2,85,000/- was sanctioned by the bank for the purpose of transferring it to the educational institute. The applicant instead of transfering it into the account of borrower, the amount was transferred in the account of co-accused. The borrower had already paid Rs.25,000/- as it was necessary to be paid before particular time. Having realized about irregularity, she transferred the amount to the Peon's account and the Peon in turn transferred amount of Rs.2,60,000/- in the account of applicant. Thereafter, the applicant transferred the said amount in the account of educational institution. Net result is that the total sanctioned amount Rs.2,85,000/- is appropriated by the educational institution. Therefore, custodial interrogation of the applicant is not necessary. The applicant has made out a case for his relief under Section 438 of Cr.P.C. Hence, following order:

a) In the event of arrest in connection with C.R.No.06 of 2023 registered with Alibag police station, for offences punishable under Sections 420 and 409 r/w 34 of IPC, the applicant be released on bail on furnishing P.R. bond of Rs.15,000/-, along with one or two sureties in the like amount.

b) The applicant shall remain present before the concerned police station on 21st and 25th August, 2023 between 11:00 am to 2:00 pm and thereafter, as and when called by the investigating officer.

c) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

d) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police.

e) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the Court concerned, and shall not change the residence till the final disposal of the case.

4. The anticipatory bail application stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)